

**EARLY IN THE DEBATE ABOUT CIGARETTE ADVERTISING ON TV,
THE PUBLIC HEALTH SERVICE RECEIVED EQUAL TIME FOR
COUNTER-ADVERTISING ABOUT THE HEALTH PROBLEMS CAUSED
BY CIGARETTE SMOKING.**

**THE RESULTS WERE SO DEVASTATING TO THE TOBACCO
INDUSTRY, THAT THE CIGARETTE FIRMS DECIDED THEY WOULD
RATHER HAVE NO ADVERTISING AT ALL ON TV, RATHER THAN
HAVE THE TRUE EFFECTS OF SMOKING BROUGHT BEFORE
AMERICAN VIEWERS.**

**(I WILL ADD PARENTHETICALLY THAT WE ARE NOW AT ABC
THE SAME STAGE WITH ALCOHOL ADVERTISING NOW.**

**FOR THE SAKE OF THE AMERICAN PEOPLE, LET'S HOPE WE CAN
MOVE EVEN FASTER TO RESTRICT ADVERTISING FOR THIS OTHER
ADDICTIVE DRUG.)**

**IN CALLING FOR RESTRICTIONS ON CIGARETTE ADVERTISING I
STAND ON COMMON SENSE AND PROVEN HEALTH STUDIES.**

I DON'T NEED TO HIDE BEHIND THE FIRST AMENDMENT.

I DON'T NEED TO USE OUR CONSTITUTION AS A SMOKE SCREEN.

**AND THE "FREE SPEECH" ARGUMENT USED BY TOBACCO
ADVERTISERS IS A SMOKE SCREEN.**

**YOU DON'T SEE THESE PEOPLE OUT IN FRONT ON OTHER FIRST
AMENDMENT ISSUES.**

FREE SPEECH HAS NEVER BEEN AN UNLIMITED RIGHT:

WE ALL KNOW YOU CAN'T YELL "FIRE" IN A CROWDED THEATRE.

**FREE SPEECH CANNOT INJURE THE COMMON WELFARE TO SERVE
THE COMMERCIAL INTERESTS OF A FEW.**

**THE FIRST AMENDMENT WAS NOT INTENDED TO ALLOW LIES TO
BE FOISTED ON THE PUBLIC.**

MOST CIGARETTE ADVERTISING IS LIES.

**IT ASSOCIATES WITH ROMANCE, GLAMOUR, ATHLETICS, SUCCESS
SUBSTANCES WHICH INSTEAD LEAD TO DISABILITY AND DEATH.**

**FIRST AMENDMENT PROTECTION IS NOT EXTENDED TO SPEECH
ENCOURAGING ILLEGAL ACTIVITY.**

**TOBACCO ADVERTISERS DEPEND UPON REACHING YOUNG
PEOPLE.**

**MOST OF THOSE WHO SMOKE BEGAN BEFORE THEY WERE
TWENTY, OR EVEN 15.**

**IN OTHER WORDS, THE CONTINUED STRENGTH OF THE TOBACCO
MARKET DEPENDS ON THOSE TO WHOM THE PRODUCTS CANNOT
BE LEGALLY SOLD.**

**THEREFORE, RESTRICTIONS ON TOBACCO ADVERTISING MEET
THE CONSTITUTIONAL TEST IN AT LEAST TWO WAYS:**

**1. IT IS APPROPRIATE TO BAN COMMERCIAL SPEECH THAT IS
MISLEADING OR FRAUDULENT.**

AND

**2. IT IS APPROPRIATE TO BAN COMMERCIAL SPEECH
RELATED TO ILLEGAL ACTIVITY.**

**FOR ALL THEIR TALK ABOUT "FREEDOM", TOBACCO INTERESTS
ARE GREAT ENEMIES OF FREEDOM.**

**FAR FROM BELIEVING IN FREE SPEECH, TOBACCO ADVERTISERS
USE THEIR ECONOMIC CLOUT TO FORCE PUBLISHERS NOT TO
PRINT ARTICLES ABOUT THE REAL CONSEQUENCES OF SMOKING.**

**CIGARETTE ADVERTISING, FAR FROM ALLOWING FREE CHOICE,
ACTUALLY UNDERMINES FREE CHOICE.**

NICOTINE ADDICTS DO NOT ENJOY FREE CHOICE.

FINALLY, LET'S BE UP-FRONT ABOUT THE SPECIAL CHALLENGE

FACING TOBACCO ADVERTISERS:

MOST PEOPLE WHO USE THEIR PRODUCT WOULD RATHER NOT

USE IT.

AS MANY AS 90% WISH TO QUIT.

MANY TOUGH IT OUT, BREAK THEIR ADDICTION, AND SUCCEED IN

QUITTING.

THE ADVERTISERS NEED TO REPLENISH THE DIMINISHING

SUPPLY OF TOBACCO USERS:

REMEMBER THOSE 1,000 SMOKERS WHO DIE EVERY DAY.

MEANWHILE, ADVERTISERS RECRUIT MORE VICTIMS.

**WE MUST ALSO CONCERN OURSELVES WITH THE EXPORT OF
TOBACCO PRODUCTS.**

**I DO NOT BELIEVE THE UNITED STATES WILL EVER AGAIN BE A
GOOD MARKET FOR TOBACCO PRODUCTS.**

THE CURVE IS GOING DOWN AND ACCELERATING.

**BUT IF WE HAVE BEATEN THE CIGARETTE INDUSTRY ON ITS OWN
HOME TURF WE'VE DRIVEN THEM TO SCOUR THE REST OF THE
EARTH FOR NEW VICTIMS.**

THE TOBACCO INDUSTRY -- AS YOU ALL KNOW, I AM SURE -- HAS TARGETED THE LESS DEVELOPED AND DEVELOPING COUNTRIES OF THE WORLD AS THEIR MOST PROMISING MARKETS FOR THE 1990s.

IT IS THE HEIGHT OF HYPOCRISY FOR THE UNITED STATES, IN OUR WAR AGAINST DRUGS, TO DEMAND THAT FOREIGN NATIONS TAKE STEPS TO STOP THE EXPORT OF COCAINE TO OUR COUNTRY WHILE AT THE SAME TIME WE EXPORT NICOTINE, A DRUG JUST AS ADDICTIVE AS COCAINE, TO THE REST OF THE WORLD.

**ANOTHER ISSUE OF PUBLIC POLICY ON WHICH WE NEED TO SET
OUR SIGHTS CONCERNS CIGARETTE VENDING MACHINES.**

**HERE IS ANOTHER EXAMPLE OF THE CODDLED CIGARETTE
COMPANIES.**

**IT IS ILLEGAL TO SELL BOTH ALCOHOL AND CIGARETTES TO
MINORS. THAT IS BECAUSE ALCOHOL AND NICOTINE ARE THE
TWO MAJOR LEGAL ADDICTING DRUGS IN OUR SOCIETY.**

**WE WOULD NEVER TOLERATE SELLING ALCOHOLIC BEVERAGES
IN VENDING MACHINES, BUT SOMEHOW WE TOLERATE
CIGARETTE VENDING MACHINES.**

**IT IS SAD EVIDENCE OF OUR FAILURE TO TAKE SERIOUSLY THE
DANGERS OF SELLING THIS ADDICTING DRUG NICOTINE TO
MINORS.**

**THE CIGARETTE VENDING MACHINES SHOULD BE THE NEXT
TARGET IN THE CRUSADE AGAINST SMOKING.**

**NO DOUBT IN THE SESSIONS THAT FOLLOW, YOU CAN DEVELOP
MORE COMPLETE TACTICS FOR THESE AND OTHER STRATEGIC
ISSUES.**

**I MAY HAVE HUNG UP THE UNIFORM OF THE SURGEON GENERAL,
BUT I HAVEN'T RETIRED FROM THE FIGHT AGAINST SMOKING.**

TOGETHER, WE'RE GOING TO WIN IT.

THANK YOU.

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extra stuff in case you need/want to slip it in somewhere:

**AND THOSE EFFORTS HAVE BEEN HIGHLY SUCCESSFUL,
THANKS TO THE COMBINED EFFORTS OF ...**

*** GOVERNMENT ALL LEVELS -- FEDERAL, STATE AND
LOCAL ... * THE HEALTH PROFESSIONS, WITH THE
AMERICAN MEDICAL ASSOCIATION ITSELF LEADING THE
WAY ...**

*** MANY PRIVATE, NON-PROFIT ORGANIZATIONS SUCH AS
THE AMERICAN CANCER SOCIETY, THE AMERICAN HEART
ASSOCIATION, AND THE AMERICAN LUNG ASSOCIATION
HAVE ALSO BEEN INVOLVED NOT ONLY IN EDUCATION BUT
ALSO IN SMOKING CESSATION PROGRAMS ... * AND**

PRIVATE

INDUSTRY HAS

**BECOME A
PARTNER AS
WELL,
ESPECIALLY
THE
INSURANCE
INDUSTRY,
WHICH OF
COURSE LOSES
MONEY ON
PEOPLE WHO
SMOKE.**

**THE ROLE OF GOVERNMENT HAS BEEN VERY IMPORTANT
OVER THE PAST 25 YEARS ... IMPORTANT IN BOTH POSITIVE AND
NEGATIVE WAYS. FOR EXAMPLE, ON THE POSITIVE SIDE, ...**

*** GOVERNMENT HAS RAISED EXCISE AND SALES TAXES**

**ON CIGARETTES, MAKING CIGARETTES MORE AND MORE OF
A PAINFUL POCKETBOOK ISSUE FOR SMOKERS, ESPECIALLY
THOSE SMOKERS WHO ARE STILL UNCONVINCED BY THE
OVERWHELMING RESEARCH DATA AVAILABLE. EVEN SO,
TAXES WOULD HAVE TO BE DOUBLED TODAY, JUST TO KEEP
UP WITH INFLATION.**

*** GOVERNMENTS -- FEDERAL, STATE, AND LOCAL -- HAVE
SEVERELY RESTRICTED THE AREAS WHERE PEOPLE CAN
SMOKE IN PUBLIC. AT THIS TIME, ALL 50 STATES PLUS THE
DISTRICT OF COLUMBIA HAVE SOME KIND OF LAW
RESTRICTING SMOKERS IN SOME WAY OR PROHIBITING
SMOKING IN CERTAIN PUBLIC PLACES ALTOGETHER.
IT IS NOW ILLEGAL TO SMOKE ON MOST PUBLIC
CONVEYANCES ... IN MOST RETAIL STORES AND
RESTAURANTS ... IN VIRTUALLY ALL GOVERNMENT
BUILDINGS ... IN ALL THEATERS AND SPORTS CENTERS ...**

AND IN MANY PLACES WHERE PEOPLE WORK.

*** GOVERNMENT HAS ALSO ORDERED NEW AND STIFFER HEALTH WARNINGS TO BE ROTATED AMONG CIGARETTE PACKAGES AND ALL ADVERTISEMENTS. AND I LOOK FORWARD TO "ADDICTION" BEING ADDED TO LABELS BY THIS CONGRESS.**

THAT'S QUITE A GOOD RECORD ... AND I'VE JUST TOUCHED UPON A FEW HIGH SPOTS. BUT GOVERNMENT -- AND HERE I MEAN JUST OUR NATIONAL GOVERNMENT -- HAS ALSO DONE A FEW NEGATIVE THINGS. FOR EXAMPLE...

*** IT HAS EXCLUDED TOBACCO AND TOBACCO PRODUCTS FROM CERTAIN REGULATORY ACTIVITIES COVERING HAZARDOUS OR TOXIC SUBSTANCES AND FROM MOST PACKAGING AND LABELING RESTRICTIONS, EXCEPT FOR THE SURGEON GENERAL'S WARNING.**

*** TOBACCO, BY FEDERAL LAW, IS ALSO NOT
CONSIDERED TO BE EITHER A FOOD, A DRUG, OR ANY
OTHER KIND OF CONSUMER PRODUCT. IT REMAINS A
UNIQUE SUBSTANCE, VIRTUALLY OUTSIDE THE REGULATORY
ENVIRONMENT. AND IN OUR SYSTEM OF GOVERNMENT,
THAT MEANS OUTSIDE STATE AND LOCAL REGULATION AS
WELL.**